

## **ADDENDUM TO RESPONSE TO PUBLIC COMMENTS**

### **Consolidated Universal Waste Regulations and Authorized Treatment of Electronic Hazardous Waste - Final Regulations**

**DTSC CONTROL NUMBER: R-2006-02**

#### **15-DAY PUBLIC NOTICE AND COMMENT PERIOD NOTICE OF PUBLIC AVAILABILITY OF POST-HEARING CHANGES SEPTEMBER 19, 2008 TO OCTOBER 6, 2008 (15-DAY NOTICE)**

**Commenter A:** County of Santa Cruz Public Works Department

**Comment A1:**

The commenter is happy to see the language referenced in the 15 day notice introductory text regarding the RoHS prohibitions summarized from the 45 day public notice and comment period document. However, the commenter states that for it to be effective and understandable to all parties, some direction is needed as to how to reference the current EU documents such as RoHS that will now be controlling sales in California.

Response: DTSC has evaluated this comment and has determined that the comment does not pertain to the regulation language or content of the 15-Day Notice<sup>1</sup>.

**Commenter B:** Rural Counties' Environmental Services Joint Powers Authority (ESJPA)

**Comment B1:** Please confirm that nothing in these proposed regulations prevents the current practice of handling circuit boards as universal waste electronic devices including circuit boards received separately.

Response:

DTSC has evaluated this comment and has determined that no regulatory change is necessary. The proposed regulations make clear that the only "circuit boards" subject to management pursuant to the proposed regulations are "printed circuit boards" that are derived from a universal waste electronic device onsite by a universal waste handler conducting authorized treatment activities pursuant to sections 66273.71<sup>2</sup> (removal), 66273.72 (dismantling) and/or 66273.73 (physical treatment). These printed circuit boards are referred to in the proposed regulations as "residual printed circuit boards." Proposed sections 66273.71, 66273.72, and 66273.73 each prescribe a waste

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<sup>1</sup> 15-Day Public Notice and Comment Period Notice of Public Availability of Post-Hearing Changes, R-2006-02

<sup>2</sup> For purposes of this Addendum to Response to Public Comment, all regulatory references are to the Cal. Code Regs., tit. 22, div. 4.5, unless otherwise specified.

classification scheme that clearly identifies when a hazardous waste residual printed circuit board may be managed as scrap metal, which section 66261.6, subsection (a)(3)(B) exempts from further regulations as a hazardous waste, and, therefore, does not have to be managed as universal waste.

Appropriate onsite handling of circuit boards received from offsite is dependent on whether they are wastes, and if so, whether they are hazardous wastes. Circuit boards received for reclamation purposes are wastes. Pursuant to proposed section 66260.10, hazardous waste printed circuit boards received from offsite for reclamation are scrap metal, which, as explained above, are not subject to regulations either as hazardous waste or universal waste.

DTSC has further clarified the regulatory status of residual printed circuit boards in the Final Statement of Reasons.

**Comment B2:** [Please clarify that] Printed circuit boards received separately from devices can be managed as either scrap metal to be recycled or as universal waste electronic devices.

Response:

DTSC has evaluated this comment and has determined that no regulatory change is necessary. Printed circuit boards received separately from universal waste electronic devices can be managed as scrap metal, but not as universal waste electronic devices. See Response to Comment B1.

**Comment B3:** Please clarify that the term “circuit board” referenced in section 66260.10 (a)(4) and (b)(7) only refer to circuit board already determined [to be] hazardous wastes.

Response:

DTSC has evaluated this comment and has determined that no regulatory change is necessary. With regard to the printed circuit boards referenced in proposed section 66260.10, subsection (a)(4), DTSC notes that the purpose of this definition is to provide for the application of the scrap metal exemption provided by section 66261.6, subsection (a)(3)(B) to printed circuit boards that are recyclable materials. Recyclable materials are defined in Health and Safety Code section 25120.5, which is limited in its applicability to materials that are hazardous wastes. With regard to the printed circuit boards referred to in proposed section 66260.10, subsection (b)(7), this same limitation applies.

Proposed sections 66273.71, 66273.72, and 66273.73 each requires that a hazardous waste determination be made for each residual printed circuit board, and prescribes a waste classification scheme that clearly identifies when a residual printed circuit board determined to be a hazardous waste may be managed as scrap metal as provided for in section 66261.6, subsection (a)(3)(B).

Response to Comment 43 in the Response to Public Comment for the 45-Day Notice and the Final Statement of Reasons provide further discussions on the management of residual printed circuit boards as proposed in this rulemaking.